

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT SMALL,

Plaintiff,

v.

CHRIS CHRISTIE, et al.,

Defendants.

Civil Action No. 13-7642 (PGS)

MEMORANDUM AND ORDER

This matter has come before the Court on Plaintiff Robert Small's civil action asserting claims pursuant to 42 U.S.C. § 1983. It appears that:

1. Plaintiff is an inmate currently confined at New Jersey State Prison in Trenton, New Jersey.
2. When he initially submitted his complaint, Plaintiff failed to submit a complete *in forma pauperis* application as required by 28 U.S.C. § 1915(a)(1), (2). Specifically, though Plaintiff submitted an account statement, he failed to submit the six months immediately preceding the filing of his complaint and the statement was not certified.
3. Thereafter, this Court entered an order requiring Petitioner to submit the filing fee or a complete *in forma pauperis* application within 30 days. (ECF No. 2.)
4. On January 31, 2014, Plaintiff submitted a second application to proceed *in forma pauperis*. (ECF Nos. 3-4.) However, as with his first application, this application was also incomplete. Specifically, though he now provided a copy of his inmate trust fund account statement for the entire six-month period immediately preceding the filing of his complaint, again the account statement was not certified. 28 U.S.C. § 1915(a)(2).

IT IS THEREFORE on this 20th day of MARCH, 2014,

ORDERED that the Clerk of the Court shall RE-OPEN the file in this matter to consider Plaintiff's application; and it is further

ORDERED that Plaintiff's request to proceed *in forma pauperis* is hereby DENIED, without prejudice; and it is further

ORDERED that the Clerk of the Court shall again administratively terminate this case, without filing the complaint or assessing a filing fee; and it is further


ORDERED that the Clerk of the Court shall send Plaintiff the form entitled Affidavit of Poverty and Account Certification (Civil Rights)(DNJ ProSe 007 A(Rev. 5/13)) to be used by Plaintiff in any future application to proceed *in forma pauperis*; and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, within 30 days of the date of entry of this Order; Plaintiff's writing shall include either (1) a complete, signed *in forma pauperis* application, including a certified six-month prison account statement, or (2) the \$400 fee including the \$350 filing fee plus the \$50 administrative fee; and it is further

ORDERED that upon receipt of a writing from Plaintiff stating that he wishes to reopen this case, and either a complete *in forma pauperis* application or payment of the filing and administrative fees within the time allotted by this Court, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

3/20/14


Peter G. Sheridan, U.S.D.J.